

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

10	LABELLE MARIE NEILL,)	
11	Plaintiff,)	No. CV-08-5080-JPH
12	v.)	ORDER GRANTING STIPULATED
13	MICHAEL J. ASTRUE,)	MOTION TO REMAND
14	Commissioner of Social)	
15	Security,)	(Ct. Rec. 23)
	Defendant.)	

The parties have filed a stipulated motion for remand of this case to the Commissioner for further administrative proceedings. (Ct. Rec. 23). The parties have filed a consent to proceed before a magistrate judge. (Ct. Rec. 7).

After considering the stipulation, **IT IS ORDERED** that the above-captioned case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge (ALJ) will reconsider the opinions of the claimant's treating and examining medical providers, including Drs. Cooper, Orr and Vides. The ALJ will re-evaluate plaintiff's subjective testimony and the lay witness testimony. The ALJ will re-evaluate plaintiff's residual functional capacity. The ALJ will perform a

1 new step four, and if necessary, step five analysis. The ALJ will
2 obtain supplemental vocational expert testimony to determine the
3 effects of plaintiff's limitations on her ability to perform work.

4 Because this remand is pursuant to sentence four of 42 U.S.C.
5 § 405(g) with a remand of the cause to the Commissioner for
6 further proceedings (*See, Melkonyan v. Sullivan*, 501 U.S. 89
7 (1991)), plaintiff is entitled to reasonable attorney's fees and
8 costs pursuant to 28 U.S.C § 2412(a),(d), upon proper request to
9 this Court.

10 Accordingly, this court **reverses** the Commissioner's decision.

11 **IT IS FURTHER ORDERED:**

12 1. The parties' stipulated motion for an order of remand
13 (**Ct. Rec. 23**) is **GRANTED**.

14 2. Judgment shall be entered for the **PLAINTIFF**.

15 3. An application for attorney fees and costs may be
16 filed by separate motion.

17 4. The District Court Executive is directed to enter
18 this Order, forward copies to counsel, and **close** this file.

19 **IT IS SO ORDERED.**

20 **DATED** this 17th day of November, 2009.

21 s/James P. Hutton

22 JAMES P. HUTTON

23 UNITED STATES MAGISTRATE JUDGE